

FILED
AUG 4 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. CR05-00491 VRW (BZ)
)
v.)
)
JESUS POMPERADA BASCO,) **DETENTION ORDER**
)
Defendant.)
_____)

On August 2, 2005, the Court held a detention hearing and received evidence in the form of the United States' proffer, the defendant's proffer, a report by United States Pretrial Services and an oral supplement presented in court.

Having considered the parties' proffers, the Pretrial Services Report and the files and records in this matter, I find by a preponderance of the evidence that defendant is a risk of flight and by clear and convincing evidence that defendant is a danger to the community and I **ORDER** him detained. In so holding, I have considered the following factors:

1. The defendant is charged by indictment with one

1 count of Conspiracy to Distribute Methamphetamine and Ecstasy
2 in violation of 21 U.S.C. § 846. There is therefore a
3 rebuttable presumption that "no condition or combination of
4 conditions will reasonably assure appearance of the person and
5 safety of the community." 18 U.S.C. § 3142(e), (f)(1)(B).

6 2. Because he faces a potential life sentence, he
7 has an incentive to flee.

8 3. The defendant has a prior criminal record, and
9 outstanding arrest warrants resulting from previous failures
10 to appear in court. The defendant proffered no reason for
11 those failures to appear.

12 4. Defendant has family ties to the community.
13 However, he appears estranged from part of his family,
14 including his father who would not act as surety. His
15 employment and residential histories have been unstable.

16 5. The defendant is also a danger to the community.
17 The Court heard from FBI Special Agent Joe Yum that the
18 defendant was found with several knives, a sword and a
19 machete. I can conceive of no legitimate explanation for the
20 possession of these weapons and defendant proffered none.
21 Further, Special Agent Yum said that the defendant is
22 allegedly an "enforcer", and that he was heard on wiretaps
23 making threats of possible violence.

24 6. In passing the Bail Reform Act, Congress was
25 particularly concerned with the danger that drugs and violence
26 posed to the community.

27 7. Defendant did not proffer any conditions of
28 release, nor have any occurred to the court, that would

1 reasonably assure his appearances at trial or the safety of
2 the community. While his sister and brother-in-law offered to
3 sign an unsecured bond in the amount of \$200,000, given the
4 risks discussed above, I do not find that proposal adequate.

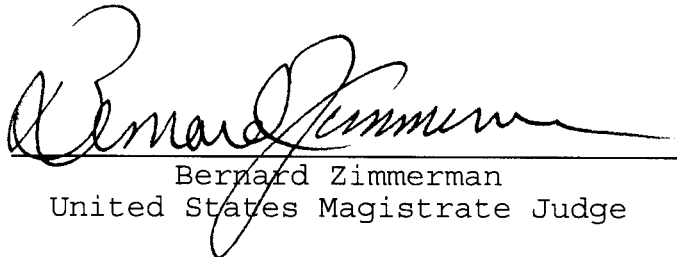
5 Therefore, **IT IS HEREBY ORDERED** that:

6 (1) The defendant be, and hereby is, committed to
7 the custody of the Attorney General for a confinement in a
8 corrections facility separate, to the extent practicable, from
9 persons awaiting or serving sentences or being held in custody
10 pending appeal;

11 (2) The defendant be afforded reasonable opportunity
12 for private consultation with his counsel; and

13 (3) On order of a court of the United States or on
14 request of an attorney for the government, the person in
15 charge of the corrections facility in which the defendant is
16 confined shall deliver the defendant to an authorized Deputy
17 United States Marshal for the purpose of any appearance in
18 connection with a court proceeding.

19 Dated: August 3, 2005

20 
21 Bernard Zimmerman
22 United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

Basco et al,

Defendant.

Case Number: CR05-00491 VRW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 4, 2005, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.


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Dated: August 4, 2005


Richard W. Wieking, Clerk
By: Lashanda Scott, Deputy Clerk